

Appl. No. 09/654,293
Reply to Office action of May 3, 2005

REMARKS/ARGUMENTS

Applicant wishes to thank the Examiner and her supervisor for taking the time to discuss the subject case the morning of July 26, 2005. In summary, the interview included a discussion of written description issues and certain art relevant to the case and proposals for new claims. Based on this discussion applicant believes that newly submitted claims 74 to 106 are allowable.

Claims 74 to 106 remain in this application. Claims 1 to 73 have been canceled without prejudice. That is, applicant reserves the right to revive one or more of the canceled claims or pursue any aspect of each of the canceled claims, for example, in a separate application. Claims 74 to 106 have been added and include no new matter. New claims 74 to 106 are submitted for the purpose of advancing the case toward allowance and differences between the new claims and canceled claims should not be viewed as acquiescence to any of the Examiner's rejections.

Support for claims 74 to 106 is found in the specification as previously described by applicant except for the following. Support for claims 83, 93 and 102 which, include the feature of "750 nm", is found, for example, at page 33, line 9. Support for claims 78 and 79 which include the feature of oocytes at metaphase I and metaphase II, is found for example, at page 14, lines 19 to 20. Support for claims 77, 89, 97, 101 and 105 which include the feature of the oocyte or zygote being that of a chicken, is found, for example, at page 11, line 20. Support for claims 81, 91 which include the feature of a femtosecond laser, is found, for example, at page 20, lines 5 to 7. Support for claims 75, 76, 87 and 88 which include the feature of incubating or injecting with a dye and specific dye types, is found for example at page 20, lines 15 to 17. Support for claims 84, 94 and 96 which include the feature of milliwatts used to visualize the nucleus, is disclosed, for example, at page 21, lines 8 to 10. Support for claims 85, 95, 99, 103, 104 which include the feature of milliwatts used to ablate the nucleus, is disclosed, for example, at page 32, line 18. Support for claim 80 which includes the feature of a germinal disc, is found, for example, at page 21, line 8 to 12. Support for claim 90 which includes the feature of the zygote (i.e., egg) being pronuclear is found, for example, at page 24, line 3 to 4.

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The Examiner has indicated in the Advisory action mailed August 19, 2005, that applicant's proposed amendments filed after final, but not entered, would overcome the prior rejections of record. However, the Examiner also stated that certain claims filed in applicant's amendment after final were duplicate claims of others. Applicant believes that new claims 74 to 106 do not include duplicate claims. For example, claims such as claims 82 and 83 include a wavelength range or a specific wavelength and are therefore more specific than the claim from which they depend. For example, near infrared light can extend beyond the limits of 700 nm to 1000 nm. That is, near infrared light can be of a wavelength as small as, for example, 400 nm and as high as, for example, 1300 nm. Therefore, applicant submits that the claims relating to wavelength ranges and certain wavelengths are not duplicate of claims specifying only near infrared wavelength.

Applicant believes the claims satisfy the requirements of 35 USC 112, first and second paragraphs and are not anticipated or made obvious by any of the cited references under 35 USC 102 or 103. Therefore, applicant submits that the presently pending claims are allowable and respectfully requests that the Examiner pass the above-identified application to allowance.

If any issues remain unresolved or if the Examiner has any questions, applicant requests that the Examiner contact applicant's attorney at the below referenced telephone number.

Respectfully submitted,



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